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attach to stores of grain and vegetables as distinct from other forms of wealth. If we are anxious to study the yearly intake of the Bemba as distinct from their daily, and the seasonal variation in supplies instead of the day-to-day changes, all these different social and economic aspects must be discussed. The white man's despair at the African's apparent lack of foresight, whether in producing, eating, or selling his foodstuffs, makes it imperative to analyse just this type of fact.

Ownership of Garden Crops.

The food-supplies a Bemba owns consist of the crops standing in his garden and the millet or vegetables stored in his granary. Of these the crop of millet itself is individually owned. In fact, in the case of a new garden the natives seem to believe that there is some particularly close connexion, of an almost magical nature, between the owner and the patch of ground he has just cleared of bush. Although a man can lend his garden to another in the second or third year, or even sell the crops on it, he should do neither of these things in the case of the first-year patch (*citemene*), and I noticed that Bemba explaining this custom added in a particularly serious voice, 'because he is the owner' (*umwine*). The garden-beds round a village, on the other hand, are often considered the property of the wife, since she usually digs them, and either she or the husband has rights of disposal of the crops grown on them according to the labour each has spent on them.

Individual rights over particular crops depend on the nature of the plant and the time it ripens. A man's wife reaps the millet in his garden with any one whom she may invite to help her, but no other relatives of the family, however close, may start this work without her permission, and it involves a magic rite (*icibyalilo*)[1] which only she can perform. Crops of maize, Kaffir corn, or cucurbits grown on second- or third-year gardens are also individually owned. If a woman and a party of children went out to gather maize cobs I noticed that she and her own children entered the garden, while the others stayed outside. This is probably because this crop ripens in the hunger months, when it may be important to conceal from the village the number of cobs that are ready to pick. Close relatives of the family may step into a garden and help

[1] Cf. p. 299.

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423 themselves if really hungry, provided they leave the cut stalks and sheaves of the maize openly in the field so that the owner may see that a kinsman has 'borrowed' food (*kuashima*), not a mere thief. Gourds or pumpkins may only be picked with the owner's permission. Sweet potatoes and cassava roots, neither reckoned as a staple food, nor regarded as essential substitutes during the hunger season, seem to be dug up much more freely by a man's relatives. Children, in particular, grub up roots from the garden of any near relative on either side of the family, saying indignantly if questioned, 'No, we are not stealing (*tatuleiba*). This is our place here (*tuli kumiesu*).'

681 685 The theft of millet from gardens does not seem to be a common offence. The grain has got to be pounded before it is eaten, and this is inconvenient for a casual thief. He prefers to take maize cobs, gourds, or pumpkins, which can be quickly cooked and eaten as a snack, and which ripen in the season when food is short. The penalties for theft vary with the season of the year. If a man steals in the hunger months and comes and explains his predicament his theft is apparently treated lightly, and he is merely asked by the owner to return goods to the value of what he has eaten.[1] But a thief caught red-handed trying to conceal his crime can expect no mercy. In the old days, I was told, he was liable to be speared on the spot, but that if this summary justice was not exacted, he would in any case have to repay the owner far more than the worth of the stolen food, 'perhaps four times as much, because he had made the heart of the gardener hot'.[2] The same is true to-day. In 1930, near Chinsali, a thief suspected of stealing maize cobs over some weeks was finally caught in the act. He paid the owner 12*s.* damages for the theft of two maize cobs on the first occasion, and 7*s.* 6*d.* for one on the second without the case ever coming into court.[3] Another method of punishing a culprit, especially one

681 685 789 who has few material possessions with which to compensate for his theft, is to lay a conditional curse on some property of his, i.e. his own garden or granary. This is known as *ukusaka*. In this case the injured party places branches across the entrance to the thief's garden or granary and places a charm on them. He informs

[1] *Vide* rights of a hungry subject to take food from the chief's garden.

[2] Cf. the case of the owner who does not mind his relatives taking his mealies if they do not insult him by concealing the theft.

[3] The maize cobs would be sold at about 3*d.* for a basket of 6 or 8.

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occasions whispered conversations followed and the theft, often the heedless act of a child, was confessed next day. Once the headman himself came to beg the angry woman not to proceed with her threat and himself brought compensation 'so that no one might die in the village'. Many such curses in fact remain as threats and form effective sanctions in that way. When actually uttered they are thought to invoke supernatural powers to punish the culprit. Bemba curse by the High God, Lesa, who is usually believed to strike guilty people with thunderbolts, or they curse by the dead chiefs of the land (*mfumu shye calo*).[1] Such a curse is thought to work automatically and can only be removed when the culprit has confessed and begged for mercy. The curser then gives beads to the spirits and prays, saying, 'You, my chiefs, we didn't understand everything. We beg mercy now. We cursed those children. We did not know. Now have mercy and do not kill them.'[2] The fear of the owner's curse appears to me to act even at the present day as a very efficient means of preventing petty garden thefts during the hunger months.

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Thus individual ownership of field crops is very clearly defined among the Bemba. It is interesting to note that bush foods are also subject to individual ownership rules whenever it is possible to exert them. Rights over meat and fish are described fully in Chap. XIII, but it is worth mentioning that natives mark as their own trees covered with caterpillar grubs so that they may come and gather them when they have grown sufficiently large and succulent for their taste. The man who first discovers a swarm of wild bees will also mark the tree in which they have settled for his own.

Rights over Granaries.

Control over the contents of the Bemba granary are governed by more complex rules. Roughly speaking, the labour given to the production of the crop gives a man the ultimate right of disposal, but this is subject to the superior claims of certain older relatives and ultimately to that of the chief himself. That is to say, the

[1] For instance, 'A man has stolen my food. I give him to the chief. I give him to Ba Matipa (the tutelary deity of the neighbourhood). Let him (Ba Matipa) come and eat that man' (*Umuntu ulengibila filyo. Nakupe mfumu. Nakupe Ba Matipa. Bese bakulye*). Kasakatula village, near Shiwa Ndandu, 1931.

[2] (*Mwe shyamfumu shyonse. Tatuishibe fyonse. Twapâpâta nomba. Twalipishya bana balya. Tatuishibe. Nomba twapapata. Mwilabepaya.*)

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owner may be the only person able to reap the grain and store it, but he may have to give portions of the crop to others on demand.

The granary itself is individually owned. In fact, it is considered unpardonable even to look into another man's *butala*, and children are taught not to play under the eaves of neighbours' granaries or to peer at the outside too closely. 'You children, you! You stare at the granary of another! That is bad what you do. (*Cabipa.*) Clear out now!' I heard an old grandmother shout on one such occasion.[1] There is no efficient way of closing the opening to a granary, and the stores are often left unguarded hours at a time while their owners are away in their gardens. But the tradition of respect of a neighbour's *butala* is so strong that thefts appear to be very uncommon, and these mud cylinders are the most private hiding-places a man or woman has. Treasured possessions, magic horns, money, or beer may all be concealed safely in a granary, and though the *ubutala* is apparently protected with special charms sometimes, I think these are designed to circumvent sorcerers, who are believed to steal crops by magic means (cf. p. 189), rather than ordinary thieves. The use of padlocks and keys, much affected by sophisticated people near white towns, is not likely to be as effective as the traditional tribal belief in the inviolability of the granary.

The right of disposal of the millet store is determined by a complicated adjustment of the claims of the man and his relatives and those of the woman. The millet garden is commonly spoken of as belonging to the man,[2] because it is he who originally cleared the ground for it. But a married man is described as making a garden for his wife. He may make a separate field of his own as does a chief,[3] but his wife's *citemene* is his first charge, and a polygamist must clear a millet patch for each wife and build each a granary. This duty is stressed at the wedding ceremony, when the

[1] When measuring the contents of granaries I found the owners sometimes reluctant to allow me inside. In any case other women always fell back and left me and the owner alone.

[2] Cullen Gouldsbury, 'Notes on the Customary Law of the Awemba', *Journal of the African Society*, vol. xv, Jan. 1916, p. 158, emphasizes the man's ownership of the food as against the woman's.

[3] Called an *umulasa* garden in imitation of the chief's garden made by tribute labour and belonging exclusively to him, as distinct from his wives. With the prevailing shortage of labour, husbands are rarely able to make two gardens, one for themselves and one for their wives. I only saw three described as *ayo umulasa* in 1933–4.

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423 585 bridegroom is abjured by his father-in-law 'to cut trees' for his bride, and the work is so clearly part of the economic contract that a man telling his life history usually uses the phrase, 'Then I married and made my wife a garden.' I have even heard an elderly Bemba describe a widowed sister dependent on him as his wife, [835] when giving answers for a Government census. Brother-and-sister incest is considered a horrible crime even within the classificatory degree, but the obligations to cut trees for a wife is so clearly recognized that the old man explained, 'She is my wife because I make her a garden.'

423 Hence the millet garden is the man's, although the use of the crop is given to the wife. But her rights are not absolute. They depend strictly on the continuance of the marriage, are forfeited by divorce or death, and are subject to the claims of the husband's relatives, who, since they live in another village, are constantly apprehensive lest they do not get their dues. If divorce takes 423 place through the woman's fault, the husband's kinswomen can 586 take the grain. Cases of this kind occur fairly frequently. At a village near Chinsali, a young woman refused to live with her husband because of his hot temper, and was unable to persuade her brother to give his 14-year-old daughter as a substitute, according to the old Bemba custom.[1] The injured husband retired to his own family's village to await events. After a few weeks a file of six women with empty baskets on their heads appeared from that direction. The wife's relatives stood aghast at the doors of their huts muttering, '*Yangwe!* They have come to take the grain.' They could only watch while the husband's kinswomen lifted the roof of the granary, emptied its contents, and left with their baskets full, after a brisk exchange of obscene abuse between both parties. A man's mother and sisters are his proper representatives on such an occasion and frequently intervene in this way.

On the other hand, if it is the husband who breaks up the marriage he will find it difficult to exercise his legal claims to the food remaining in the family granary. I was once present when a disreputable youth in a modern village decided to leave his wife and go off with another woman. Before doing so he placed a conditional curse on the cassava, sweet potatoes, and other remaining foodstuffs. The deserted wife retaliated by wailing in public on the village garden beds, with the support of her mother and sisters, for at least

[1] The *mpokoleshi* marriage previously described.

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two and a half hours. Even if the husband had been in the right, it would have been hard to stand up against such a protest, but in this case the village was so strongly in support of the wife, that he removed the curse with the proper ceremony before nightfall. This was a particularly dramatic incident, but I heard of a number of cases in which deserted wives were left in complete possession of the family grain bin.

At death a man's ownership of the granary is also clearly recognized. All supplies of millet and food ripening on the garden-beds, theoretically speaking, go to his heir in the direct matrilineal line, but inheritance is often only fixed after some months' delay. Thus there is usually little food left in the granary to hand on to the heir selected. In any case it is considered hard-hearted for the latter to exercise his privileges if a widow and children suffer loss by that means.

Where neither divorce nor death takes place the balance of interest between the claims of the husband and wife, or rather between his relatives and hers, has to be gradually achieved by a process of mutual adjustment, often giving rise to a good deal of tension under the particular condition of matrilocal residence. Briefly speaking, the wife has, of course, full charge of the granary, and is entirely responsible for the care and allotment of the food. As in our society it is for her to decide for whom she cooks and how much. As she belongs to a cooking team of her own family relatives and shares with them, it is natural that her own kinswomen in the matrilocal group are in a particularly strong position. On the other hand, the husband, ultimately the owner of the millet, has his own relatives to satisfy. For instance, we have seen that his sisters have very strong claims on his help. I have seen a chief's sister march into the royal enclosure, pull a cloth out of a trunk in her brother's inner room and take it away without permission, the owner merely laughing ruefully and saying, 'If I had been careful I should have hidden that cloth better.' These princesses also demand meat and beer from their brothers in an imperious manner quite at variance with the subservient behaviour of the chief's wives and courtiers. Among commoners the contrast is not so great, but the sisters are still in a privileged position. A man's mother will not have such freedom, since she is tabooed from coming into close contact with her daughter-in-law, but she also can exert her claims if in need. Women also take liberties with the

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423 property of their maternal uncles, and I have seen a young woman snatch fully half of a basket of wild spinach her *nalume* was carrying across the village. When questioned she shrugged her shoulders and laughed, saying, 'Well, isn't he the *nalume*?' It must be remembered, too, that elder brothers have rights to their juniors' property quite irrespective of their needs. Nowadays men demand small gifts of money as a share of their younger brothers' earnings, and they also send for baskets of food on occasion, and often use the word *kutula* which is that applied to the giving of tribute to the chief. All these relatives of the husband take, or are presented with, uncooked food, and are not incorporated in the wife's eating group.

These different claims of each marriage partner are easily adjusted if the man has a separate granary of his own (*bwa mulasa*), as used to be the custom. Where there is a single grain bin the first years of marriage involve a good deal of mutual suspicion between the husband's relatives and the wife's. The family, usually living in another village, are always on the look-out to see that they get their dues. I have seen women arrive to look inside one of their kinsmen's granaries to judge for themselves whether his bride was being stingy or not. On one occasion in the hunger months a man's mother arrived in quite a friendly spirit at her daughter-in-law's hut, climbed inside the latter's granary and glanced at the contents with an appraising eye. She came down saying, 'Let it be (*Cibe*),' explaining to me, 'There are only three baskets there. I shall not take them. I must leave it to my son's children.' Provided that the husband's family are satisfied that the girl is not being mean, they are quite content, but the danger is so clearly recognized that [881] at her initiation ceremony the girl sings a song carrying two clay models of baskets, one on her head and the other in her hand. She has to sing, 'She carries her marriage on her head, it is her clan (i.e. her own people) which is dangling below' (i.e. the husband's relatives are in the superior place, on the head).[1] The right to use all other foods, such as cassava, sweet potatoes, or legumes, is not so frequently a matter of contention between husband and wife, chiefly because these foods are not so highly valued and exist in such small quantities. I did not hear of many quarrels in this respect.

All these kinship dues are acquiring a good deal of importance

[1] *Cupo asenda pa mutwe uaseshya mukoa.*

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All these Kinship dues are acquiring A good deal of importance 423 432

at the moment, since there is a chance of making money by the sale of millet or vegetables. Where a husband may not have exercised his claims to property in the form of food, and is anyhow obliged to put his wife in charge of it, he tends to consider that money from the sale of produce is his alone, and irresponsible characters sometimes dispose of food for low prices early in the year, leaving their families in want. I noticed also that the husband's relatives sometimes tried to make money in this way. In a modern village near Kasama I saw a man's sister claim all the money obtained by his wife from the sale of pumpkins at exorbitant prices to labourers in the district. She took 1*s.* 6*d.* from her sister-in-law and gave her back 3*d.*, saying to me, 'Well, my brother cut her the garden, so the food is his.'

Prerogatives of Age.

Besides this balance of claims between the affinal relatives, the elder kinsmen in general have certain rights over the food in a young couple's granary. The woman's mother and elder sister can come and demand baskets of grain from her, while the man's elder brother also asks for food when he needs it. These dues are usually exacted as between elder sister and younger sister—usually own sisters—in each case the two refer to each other as 'My great one' (*umukalamba uandi*) or 'My little one' (*mwaice uandi*). The same holds true as between elder brother and younger brother and the same terms are used. An elder sister is very likely living in the same village as her junior, sharing supplies with her. In this case she merely exercises her rights over luxuries like beer or snuff, or perhaps commandeers some flour already ground. If, on the other hand, she has married into another village she occasionally comes and claims baskets of food if in need and has the right, denied to a more distant relative, to climb up the steps to her sister's granary and look at her store. Elder and younger brothers are usually living in different villages according to the rule of matrilocal marriage, but I have known a senior send to his young brother to claim a pot of beer. The father has no legal claims on his children, and I was told he would not send to ask his sons or daughters for food, but that they would give him presents 'out of respect' and he would come and stay with them. The mother, as we have seen, claims rights over the food of her son as well as her daughter. The *nalume* of the man can make

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peremptory demands upon him, and I noticed that in old-fashioned villages this was often done, but the same would not be true of the wife's mother's brother. In the same way the father's sister, the *nyina senge* can ask a maternal niece for baskets of grain, although she would be unlikely to do so in the case of her maternal nephew.

The headman can ask his villagers to help him with food if he is in want, although this would be an unlikely occurrence, but the rights of a chief to send for supplies to help him in sudden difficulties, particularly over entertaining, are frequently exercised (cf. p. 253). In fact, so much is the idea of authority associated with the right to levy dues of this kind that natives use the word *ukutula* or 'to give tribute' of any demand made by an elder relative of a younger.

Modern Changes in Kinship Dues.

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It is common knowledge that in many Bantu societies money is now being substituted for the older kinship dues levied on food or cattle. To what extent is this the case in the Bemba area? We have seen that the Bemba husband occasionally tries to sell the contents of his granary, whereas formerly, though he was actually the owner of the millet store, he allowed his wife the use of it. In the same way I have seen elder brothers make demands on their juniors for shillings or sixpences instead of asking for a portion of their grain or beer. But this seems only to occur in districts near white towns, and the practice was confined as far as I saw it to men of the clerk or domestic servant type. Big dues levied on young men's mine-earnings, such as are reported from so many parts of South Africa, and from the Ila district in Northern Rhodesia,[1] seemed very uncommon among the Bemba. I think this fact can probably be accounted for in two ways. First, in a society in which the power of the mother's family and that of the father's is very evenly divided, the elders are not in such a strong position to exact dues from their younger relatives as they are in a markedly patriarchal or matriarchal society. Among the Bemba it may be the father, the maternal uncle, or the maternal grandfather who is the boy's male guardian, and it will depend on personality and general circumstances which finally maintains his authority, but in a typical patrilineal society such as those of the

[1] Smith and Dale, op. cit., vol. i, p. 385.

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Southern or Eastern Bantu there is no doubt that the father, and after him the elder brother, has the predominant rights over the property of the young. Secondly, and this is a point which we have to recur to frequently, the fact that the Bemba never kept cattle or any form of wealth that could be measured or counted naturally affects their attitude to money. To change from the 'cattle standard' to money currency appears to be an easy transition in some ways, and all over Africa natives are earning money and turning it into cattle or, conversely, giving cattle to relatives who sell the beasts and so get money. But where kinship prerogatives consist of undefined rights to exact service and to demand food when in need the substitution of money seems a less obvious equivalent. Where it occurs, and it is beginning to occur, it creates an entirely new relationship between elder and younger, son-in-law and father-in-law, rather than a modification of the old. Nor have the elders the same bargaining power with the young as in some Bantu tribes at the present day. We are told from such widely distant areas as South Africa and Uganda that boys who earn money away from this tribal area return to give a share to their fathers or brothers for fear the latter will not provide them with cattle or goats for their marriage payments.[1] The Bemba boy on the other hand gave service for his bride and was therefore not beholden to his elders to any large extent, and is not so to-day. He gives money to his father-in-law for his bride, and he distributes presents among his relatives as he pleases, but this is considered an act of grace, I think, and not a due. It is not true to say that the young Bemba of to-day are hampered in their progress by the exorbitant demands of the old.

Education in Distribution.

To conclude, the Bemba system of food consumption is determined by rules of individual ownership subject to the claims of elder relatives. How is this set of economic values impressed on each new generation? What sanctions exist to enforce the various rules involved?

Among the Bemba it is clear that there are certain well-marked attitudes towards the use of food which the child learns to adopt almost from babyhood. In the infant's life edible objects are things which his mother and near relatives never refuse to give him on

[1] K. Oberg, 'Banyankole Kinship Organization', *Africa*, vol. xi, April 1938, pp. 153, 158.

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Sharing and Supernatural Sanctions.

This definite training in a particular method of distributing food is still further enforced by supernatural sanctions. The Bemba are deeply convinced that relatives who die with a sense of injury have the power to return and afflict the living with misfortune, illness, and even a lingering death from a wasting disease. To injure a man or a woman in this way, and in particular to deny them food when hungry, ill, or cold, is to refuse them their kinship dues. In fact, the definition usually given of such a haunting spirit (*iciwa*) is that it is 'someone who died with grief catching him at the throat' because when he was old his children would not give him food. Of such a calamity the Bemba are genuinely afraid. Even sophisticated young men of the present time speak nervously of the possibility of certain near relatives, particularly the mother, or the mother's brother, dying aggrieved, and there is no doubt that the fear of supernatural punishment is still a very strong sanction enforcing the sharing of food and the provision for dependents.

Besides these positive inducements to share, it must be remembered that the Bemba system of distribution is closely correlated with their type of housing and particular methods of preparing food. We have described the housewife threshing and grinding out of doors, with her store cupboard at some distance from her hut. It is impossible, in a Bemba village, to conceal the fact that extra flour has been prepared, that beer is ready for drinking, or that there is an unexpected supply of meat. The complete publicity of primitive housekeeping is one of the most effective sanctions for the system of distribution of food which they commonly practise. It is important here to notice that Bemba housing is changing under the influence of the white man. The native is taught to build huts with more rooms and even to store his food in his own enclosure. It remains to be seen whether the Bantu will continue to be so generous, according to our standards, when they can conceal their supplies as effectively as we do ourselves.

It can be said therefore that if the Bemba people share their meals and extend hospitality to a wider circle of relatives than we do, it is because from their earliest years they have never been able to consider food as something which could be procured, owned,

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and consumed by one individual alone. In childhood, or in subsequent dependent positions, it must be supplied by elders; throughout life it must be shared with contemporaries, and special delicacies such as meat and beer must be subject to older kinsmen's rights. Food is something over which relatives have rights, and conversely relatives are people who provide or take toll of one's food. The purely possessive attitude to property with all its concomitant virtues, such as thrift, foresight, or self-reliance, are not inculcated in the Bemba child and would probably unfit him for life in his society. The so-called communism of the Bantu—like any other form of distribution of material goods, is deeply rooted in a system of ideas, a common acceptance of particular laws of ownership and obligations to share and to give, and the habits necessitated by the material equipment used and possessed by the tribe. It remains to ask how the individual Bemba housekeepers budget for their needs within this framework of ideas and customs. What mathematical concepts guide them in their calculation of their needs? What general economic values impel them to measure, store, or 'squander', according to our lights, their food.

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361 To conclude then, we are dealing with a tribe in which residence is never fixed in one exact locality, whether for the community or for the individual, but in which we find, almost paradoxically, a deep sentimental attachment to different parts of the country—either because they are being used, or have been used, as human habitations, because of their historical significance, or else their association with supernatural beliefs. We are describing a people living in a sparsely populated country, in which there would seem to be no sound economic reason why a community should settle in one spot rather than another. But the choice is not in fact unlimited. It depends on directly sociological factors such as membership of a kinship group and acceptance of a political allegiance, a belief as to the sphere of influence of certain supernatural beings, and lastly the factors, which we must now consider, the tribal rights as to the use of land.

Divisions of Land.

●423 Europeans living in Northern Rhodesia often declare that the Bemba have no system of land tenure, and at first sight there is a good deal to be said for this point of view. A new-comer to the country notices at once the lack of boundaries between the garden beds round a village. As he travels through the bush he cannot avoid being struck by the apparently haphazard way in which natives sometimes start to make gardens, cut a few trees, and then abandon the site, and by the fact that they do not even mark out the limits of the space they mean to clear in any one year. The observer will also notice that in the course of ordinary conversation no Bemba lists among his assets his possession or occupation of a given tract of land. Few disputes as to the ownership of land or its rights of use appear before the courts, and the question does not usually figure in contested inheritances.

But because the land problem is not so acute in this area, as it is in many parts of present-day Africa, we cannot conclude that there are no tribal rights as to its use, and in fact from some points of view it is even more important to discover the exact relation of man to land among a population of shifting cultivators, than it is in a tribe where the rules of ownership are more formalized.

423 To begin with, how is the land initially subdivided?
631 *Icalo.* The biggest division recognized is the *i-calo* (plur.
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i-fyalo). This is a term applied to the whole of the Bemba territory, but also used to describe the district under the rule of a particular chief. The Paramount and the territorial chiefs under him, such as Mwamba, Nkula, Nkolemfumu, Mpepo, Cikwanda, &c., each rule over a tract of country with more or less definite boundaries, which has its own name dating back to the very early days of the Bemba occupation.[1] Each of these districts is known as the *icalo* of such-and-such a chief. Some are sub-divided into smaller districts under the rule of a sub-chief. Thus the *icalo* may be defined as a political division, and its inhabitants have a certain economic unity since they all pay tribute to the one chief and expect to receive help, supernatural or material, from him.

Mpanga, the word used for 'bush', is also sometimes applied in a more restricted sense to mean the area immediately surrounding a headman's village, that is to say the few miles between one small stream and the next. The *bakabilo* or hereditary councillors of the Paramount, claim to be owners of their *mpanga* by right of descent from the first holders of their titles, who were appointed to the district by the first Citimukulu. Therefore they may not move their village beyond the distance between one river and the next. They claim supernatural powers over the area, and in some cases may prevent the chief from being carried through it.[2] But in the case of an ordinary headman the term *mpanga yandi* hardly means more than 'the neighbourhood of my village'.

Mpanga may also mean the strip of bush between one open marshy place and the next. This country is so well watered that a traveller along an inter-village path passes one tiny stream after another at intervals of four to five miles, and the Bemba make a rough calculation of distance by this means. 'We shall pass three *mpanga* and camp at a village in the fourth', they say, and the term gives some idea of the probable length of the journey.[3]

Cultivated land is divided into (*a*) *mputa*, or village mounds, a circular band about 300 yards across round the village, (*b*) *ifitemene* (sing. *icitemene*), the millet gardens which are cut in the bush each year, at first near the village and then farther and farther out until

[1] e.g. Ituna is the *icalo* of Mwamba, Icinga that of Nkula, &c.

[2] The Cimba, Munuca, Citikafula, Katenda, Cikutwe, all have this right since the sacred relics they possess are so powerful that they might harm the Paramount himself.

[3] C. Doke records the same method of measuring the journey's length among the Lamba, *The Lambas*, 1931, p. 18.

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241 823 they lie sometimes eight or ten miles away. The word *icitemene* is derived from *kutema* (to cut down trees) and it is applied to a new millet garden in the course of being cleared and prepared for sowing. Hence Government reports now refer to the '*citemene* system' to describe the characteristic Bemba method of clearing the bush. However the garden, after it has been sown, is known as an *ubukula* (plur. *amakula*), and in its second and subsequent years of life, when it is planted with other crops, it is called an *icifwani* (plur. *ififwani*) and continues under this name until the cultivated land reverts to bush. The average size of an *ubukula* has been calculated to be about one acre, for which a strip of bush about eight acres is usually cleared of trees, but the gardens, though roughly circular, have no fixed size or shape. A smaller *ubukula* usually less than a quarter of an acre in size, such as those planted with fast-growing millet (*mwangwe*), is known as an *akakumba* (*plur. ukukumba*).

823 It will be seen, therefore, that the descriptive terms applied to land never refer to fixed units of measurement, but either to the political district in which a man lives, to a natural vegetation division in which his successive villages are usually built (*mpanga*), or to the temporary use to which the land is being put (*mputa*, *icitemene*, *icifwani*, &c.).

The Chief as Land-owner.

423 622 643 A Bemba's right to the use of any part of the bush depends upon his political allegiances, first to a headman and then to a chief. He cannot cultivate as an isolated individual, even though he has uncontested rights of ownership of any land he may have cleared. Every Bemba reckons himself the subject of a territorial chief. He calls himself the '*umwina*' (subject, connexion of, member of) such-and-such a ruler, e.g. *umwina* Citimukulu, the subject of Citimukulu or by the historic name of the *icalo* itself, *umwina* Lubemba, an inhabitant of Lubemba.[1] In the first place, then, how does his status as a subject actually determine his use of land? What right has he to select in the *icalo* of his chief a strip of bush for a village site, or for agricultural purposes?

[1] The word '*umwina*' is difficult to translate. Besides the meanings given above, husband and wife refer to each other as *umwina uandi*, 'the person connected with me, or with whom I am tied', and a football team on the copper-belt uses the word for a member of the team. It must be distinguished from *umwine*, the owner of a thing or leader of an affair.

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In answer to a direct question as to the ownership of his *icalo* any chief will reply quite simply that the whole territory belongs to him, together with the food that is produced in it, its game and fish, and the labour of its people. 'It is my land, all of it! Every bit of the bush (*Calo candi conse! Mpangafye yonse!*)', said Citimukulu to me when describing his territorial rights. But it is important to know what such a grandiose statement actually means in terms of concrete fact. How and when does the Bemba chief exert his triple claim to own the land, the food, and the labour of his *icalo*?

Most Bantu chiefs claim to be regarded as the supreme landlord of their territories, and, in many cases, particularly in South Africa, they do actually determine the use to which it is put. Among the Southern Bantu, for instance, it is usual for the chief to allot land for cultivation to his *nduna* or headmen, who in turn distribute it to the people. He also reserves prior rights to particular grazing grounds or other soil of value. The land shortage resulting from European settlement all over Africa has given great importance to this prerogative. In East Africa the Ganda king appoints his nominees to rule over different districts as chiefs, moving them at will from place to place. To these territorial heads the peasant must apply for a strip of land to cultivate. He may be given a plot anywhere in the district, whether near his own kinsmen's village or not, and he pays dues to the chiefs at whose pleasure he holds the ground. This right of allotting land has had important practical consequences, since it formed the basis of the system of rent payments to landlords instituted by the Uganda Agreement of 1900.[1]

Bemba chiefs, though they claim just as complete an overlordship over their land, do not actually allot ground for cultivation. Their own wealth they reckon in terms of the numbers of their subjects, not by the amount of land in their possession. The only district map that would be of use to them would be one showing the density distribution of the population. The Paramount Chief had the right to 'give' a district to one of his relatives in the old days, and he still appoints the successors to the territorial chieftainships. He may also give a village to one of his near relatives—usually a son, a daughter, or a maternal nephew—and he does so frequently even at the present day, placing his own

[1] L. P. Mair, *An African People in the Twentieth Century*, 1934, Chap. VI.

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nominee in a position of authority over the local group. By so doing he gives his relatives the right to command the service of their villagers however difficult it may be to exact such labour nowadays. But these royal headmen have no more power to determine the use of land than has a commoner, and probably they do not cultivate much more. To a commoner the chief merely grants permission to settle in his *icalo* as a member of a village community under the rule of a particular headman, and here he may choose what land he pleases. The supply is so plentiful that the question of exact distribution is not a matter of great importance. It is the political affiliation that counts. The chief looks upon a man as a subject and not as a tenant, although the status of subject does actually confer the right to use land.[1]

The statement that 'all the land is mine' does not then mean that the ruler has the right to take any piece of ground he chooses for his own use. His own gardens are made in the neighbourhood of the capital, and in any one year it is expected that commoners will wait to cut trees for their *ifitemene* until the chief has chosen the site he wants. But after that the people are free to clear the bush where they please. The same is true of the choice of land to be used for the village beds. At the founding of Citimukulu's new village in 1934 I found that the chief had already marked out his *mputa* and had sown them with Kaffir corn before any commoners had started to dig their beds, or to build their houses. In the succeeding April the chief went out to choose a site for his big millet gardens, and after this the villagers began to select their own sites.

I never heard of a case where a chief took land that had already been occupied by a commoner. It would not have paid him to do so. In the old days he would have been expected to feed any inhabitant of the capital who was hungry, and nowadays, when

[1] Very little has so far been published as to the position of the chief among other N. Rhodesian tribes. Among the Bisa of the Bangweolu swamps and the contiguous Baushi and Baunga, the chief seems to have no rights of allocating land, confirmed J. Coxhead: 'The Native Tribes of N.E. Rhodesia', *J.R.A.I.*, Occasional papers' No. 5; but among the cattle-owning tribes of the Nyasaland border (Ngoni and Cewa) and along the Kafue river (Ila)—both areas where southern influence is prominent—the chiefs claim the right to allot land for cultivation or for grazing, either directly or through the local headmen. Cf. J. Coxhead, op. cit., p. 24. Smith and Dale, 1920, op. cit., vol. i, p. 307. The same is also true of the Lamba. C. Doke, op. cit., p. 89.

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natives are much more free to move about the country than formerly, he would be afraid his subjects would leave him. I have, however, seen a case of a chief borrowing land temporarily. In November 1931 Nkula asked one of the villagers for the use of his garden mounds so that he might sow them with ground-nuts for one season. The word used was *ukuashima*, or 'to borrow', and in this case the original owner of the beds had apparently the right to ask the chief for ground-nuts for the use of his family at any time he pleased. I saw the chief hand him over a large sack on his request. Otherwise the commoner's rights to land he has occupied seem to be respected, and according to native informants the same held good even of the autocratic rulers of pre-European days.

On the other hand it is impossible for a Bemba to cultivate in a chief's territory without the latter's permission. In the old days if one chief trespassed, even unwittingly, on the ground of another, the former had to give a substantial present such as an elephant tusk or a cow to the latter. Nowadays Citimukulu told me he would expect a gift of beer, even if it were a close relative who had made a garden within the boundary of his *icalo*. It is apparently a usual way of picking a quarrel to start cutting trees over another chief's borders, ill-defined though the latter often are. The late Nkula, giving evidence before a white magistrate during a case of disputed succession, said, 'I knew he wanted to claim the stool (i.e. office of chieftainship) because he sent men to cut trees on my land.'

A commoner, as distinct from a fellow chief, has to come and make obeisance to the *mfumu* and ask permission to settle. He usually brings a present to court, and is welcomed as adding to the economic assets of the district. Near Kasama in 1934 I once met Citimukulu touring his villages. Two elderly men from the territory of Makassa, near Abercorn, about 100 miles away, arrived with their younger relatives carrying a gourd of beer. They rolled on the ground and clapped (the usual formal salute) and said they wanted to settle at a certain village, but that the inhabitants were hostile to the suggestion. The Paramount received them with enthusiasm, always keen to add to the number of his subjects. He told them to settle where they wanted to cultivate, and to bring him tribute of what they grew. In the old days failure to get formal permission to cut trees in any *icalo* would have been punished by seizure of half the crop, or the burning of the cut branches

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The illness of the chief is liable to bring misfortune, or rather to be associated with a general condition of ill luck, and is even now a source of fear, as I observed myself on several occasions. At his death the prosperity of the land is brought to an end just as the political organization is temporarily at a standstill. No crops are planted by the chief's family and no first-fruit rites are done. *Icalo cawa.* (The land has fallen down, i.e. the state has collapsed.) The sex life of the chief has also a mysterious effect on the welfare of all his people. His sexual power gives vigour and 'warmth' to the land. Hence the phrase *ukukafye calo* (to warm the land), and the rule that a territorial chief should never sleep with a woman when travelling outside his territory.[1] By a sexual act the *mfumu* can bless seeds or other objects required for the use of the tribe. But this power is alike the cause of danger. By breaking a sex taboo—such as approaching the spirits without the right ceremony of purification, the ruler can bring incalculable harm on the community. Of such a man I heard the comment, 'Why does he like women? Does not that imperil the land? That is not a chief. No!'[2]

Besides this powerful and mysterious influence over the land and its people, the chief is also able to influence their destinies by his power of access to the tribal spirits. This right is based on his possession of the *benye* or sacred relics by which the most powerful ancestral spirits of the Bemba can be invoked, and also by his supreme control over the spirit-centres of his whole *icalo.* The economic rites he performs at these different shrines will be described in detail later. Suffice it now to say that this supreme control over the supernatural resources of the *icalo* gives the territorial chief what Edwin Smith has called the 'spiritual ownership'[3]

mwana Cingi. Nomba teti tukane yo. E batupela fyuma fingi, ne ndalama, ne nsalu shingi. Mwe Kampampa Mutanshi imyala yobe! Ni mwe mukalamba, mwapela Pokili ukuti ekale pa musumba. Nomba lubuke lubemba. Ifwe twalaya mu fyalo. Shyalempo!

[1] The Paramount in any case should not leave his district.

[2] *Cinshi baletemwa ku banakashi. Te kucile calo? Te mfumu iyi! Yo!*

[3] Cf. E. W. Smith and A. Dale, op. cit., vol. i, p. 388. It is important to realize that in many parts of Africa the spiritual owner of the land is not identical with the political owner. A warrior people extends its boundaries and occupies land under the guardianship of the tutelary spirits of other tribes. In this area it is common to find that in territory seized by the Bemba from the neighbouring Bisa or Lala during the last century, the conquering people are offering prayers to the dead chiefs of the conquered, and are dependent for this purpose on the services of a Bisa or Lala priest. The chief Nkula sends cloth to Mungulube, the

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of the land, and the Paramount chief who has to initiate all the economic rites of the *icalo*, has thus the supernatural overlordship of the whole Bemba territory.

But the question that concerns us immediately here, is whether this spiritual ownership of the *icalo* by the territorial chief actually affects its productive use, in other words, the rights of each individual to cultivate the land. If we are to consider as the study of land tenure 'the relationship of man to soil in its widest sense', as Malinowski suggests, then the position of the chief as a combined ruler, landlord, and priest is obviously a relevant factor.[1] The people's belief that the productive capacity of the land depends ultimately on the prayers of a ruler descended from the original occupants of the land, is the basis of their system of local grouping into villages under a headman who performs subsidiary rites to local deities, and a chief who is responsible for the communal rites and for the welfare of each *icalo*. It is also the sanction for the chief's political authority and economic prerogatives, and however much these religious beliefs have weakened at the present day, they are still the dominant force behind the politico-economic machine.

Thus for the chief's claim that 'all the land is mine', we might substitute the explanation that the chief is the spiritual overlord of his *icalo*, and that on this fact depends his power to organize economic units for its exploitation and to receive dues: that he reserves the privilege to select garden sites for himself near his own village, but that he never claims the right to seize land occupied by others, or to allocate ground for cultivation to his subjects as is the custom in many other Bantu tribes. Any individual Bemba can cultivate as much ground as he pleases in the *icalo*, if he is a member of a village community, accepts the status of a subject and fulfils the resultant obligations to his chief. Otherwise he cannot settle in the district at all. This discussion of the

descendant of one of the dispossessed Bisa chiefs near his capital and asks him to pray to the 'owners of the land' (*bene*). At Kasaka, near Shiwa Dandu, the Bemba headman descendant of a family sent from Lubemba to occupy Bisa country, has put up seven shrines to Bisa spirits, known or unknown, whom he believes to be associated with his village site. He is still anxious lest he should have forgotten some. In other cases one branch of a clan has become localized in an outlying district of Bemba country and claims control of the local shrines, and the head of the family demands dues of fish or game in consequence.

[1] Cf. Malinowski's definition of land tenure, *Coral Gardens and their Magic*, vol. i, p. 319.

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relation between the political and religious functions of the chief and his rights as a landlord has certain practical implications. At a time when money payments are being substituted for old tribal dues in many parts of Africa, it is important to be clear what the Bemba chief originally claimed, and still claims, and it can be stated definitely that however peremptory his demands on his people's labour and garden produce, he seems to have left them complete security as to their use of land and to have allowed them the right to select particular plots—a freedom probably associated with the ample supply of land in this area.

Tribute on Land.

We must now turn to the second claim of the Bemba chief, viz. that he owns not only his land, but also the food that is produced in it. 'Everything is theirs!' (i.e. the chiefs') as Candamale, formerly the hereditary burier of the royal family, expressed it, 'The meat, the fish, all the trees, all the land, and the honey'[1]—which is equivalent to saying that the Bemba chief gives his subjects permission to settle in his territory, but that all the crops they grow belong by right to him. Our problem is to discover the forms in which these dues are exacted.

This is a difficult aspect of land tenure to analyse. The economic privileges and duties of African kings have suffered inevitable changes with the institution of European government and the introduction of a money currency. Bemba chiefs and elders speak with enthusiasm of the 'good old days' when subjects brought constant gifts of food to the capital. 'All day long they carried tribute (*batula*). They brought millet and beer and meat. They were always bringing tribute. There was always food at the *umusumba*!' is a typical account of the state of affairs as they delight to describe it.

From these day-dreams of a glorious past it is difficult to extract a case of concrete fact. The most extreme instance of the exercise of the chief's rights of ownership over food seemed to me to be contained in an old councillor's memory of an actual incident which took place before the coming of the white man. He told me that in the reign of Cikwanda, a former Paramount, a rich commoner had fled the territory of his chief to take refuge elsewhere. The Paramount immediately sent a messenger to the headman of the fugitive's village saying to him, 'Take possession of X's food,

[1] *Shyonse shyabo! Inama, lisabi, imiti yonse, ne calo conse, no buci!*

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without adequate provision for the running of the political machine, naturally reduces the efficiency of the chief and his council to a dangerous extent, and even with such a provision, the abolition of all voluntary service for the tribe brings one of the most educational influences to which Bemba youth is subject, to an end.

To conclude, Bemba rights to the use of land are part of a reciprocal series of obligations between subject and chief. The former accepts the political status of subject and membership of a village group. He gives respect, labour, and tribute to his chief, and in return he is able to cultivate as much land as he pleases and to occupy it for as long as he needs. The latter prays to the tribal spirits in order to make the land productive, initiates economic effort, feeds the hungry, and maintains his court and tribal councillors—all that the Bemba mean by saying that he is 'working' his land. The political machinery founded on this system of land-tenure is breaking down with changing religious beliefs and the chief's diminishing power to exact his legal dues. But from the agricultural point of view the position of the commoner remains secure, and no Bemba chief has yet profited from changing conditions to limit his subjects' right of cultivation or has tried to exact a profit from his theoretical ownership of land.

Rights of Selection and Occupation.

I have discussed rather fully the rights of the Bemba to occupy land as these are traditionally defined between subject and chief. What is the situation as between one commoner and another? As far as the chief is concerned a man may clear the bush anywhere in the *icalo*, if he accepts the status of a subject and membership of a village community. This fact was made clear to me when listening to a case brought before Citimukulu's court. On this occasion the headman of village A on one side of a river complained that villagers from B on the opposite bank had crossed the stream and cut gardens in the bush immediately near his village instead of cultivating on the other side. Citimukulu heard the case at some length, but gave his decision without hesitation. He declared that no action lay, and dismissed all the litigants. He said to the assembled court, 'They are all my people. It is my *icalo* and

African squatter native cannot leave a farm without permission from his owner, and in some districts the native who breaks his contract with his landlord is convicted under a penal code.

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not the *icalo* of others! No. Let them cut trees wherever they like! (*kutematemafye*, i.e. the duplicated stem with the addition of the particle *fye*—which gives an idea of haphazard or unsystematic action.) It is I who am the owner of the *mpanga*. It is not your river! No. Let them work to find food, and then let them bring tribute here, millet and Kaffir corn and beans. Let them bring tribute of all. Are they not all my people?'[1] The statement that it was every one's duty to produce as much food as possible, and to give tribute of it to the chief, was clapped by all the councillors present, and the hereditary priest, Cimba, the oldest man present, when specially consulted on the subject, said, 'Yes, that is just how it was in the old days. It was always the same. The people made gardens wherever they liked, and brought food to the chief.'

But are we then to conclude that any individual Bemba has the right to make a garden wherever he pleases, however inconvenient to his neighbours? In the eyes of the chief this may be so, but as between headman and headman the rights of cultivation are limited by a number of factors, economic and sociological. To begin with, when choosing the site for his millet garden there are a number of positive inducements for a man to choose ground near his own village rather than in the territory of another. He wants the shortest walk possible between his hut and his garden. He is cultivating as a member of a kinship group, and therefore wants to cut his trees for his garden in the same neighbourhood as those of his father-in-law, and the husbands of his wife's sisters (cf. Chap. XVIII). This is all the more important since when the grain is ripening the whole group want to build grass huts (*imitanda*) near their gardens to watch the crops against birds, and they thus set up a little settlement together.

Besides the obvious advantages of making gardens near the village, the whole question of the people's rights of cultivation depends on the system of human relationships within their local groups. The variable composition of the village and the ease with which families split off and disappear, make the Bemba very apprehensive of actions likely to disrupt the group. Any European who listens much to the ordinary conversation of these natives will be

[1] *Bali bonse bantu bandi. Ni calo candi. Te calo ca kwa bambi, yo! Batematemafye! Ni ine mwine mpanga. Te umumana wobe! Babombe ukusange cakulya. Kabili batule kuno, male, na masaka, ne lilanda, batule. Bali bonse bantu bandi?* 17. v. 31.

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impressed by their constant emphasis on the value of peaceful relationships, whether within the village, or the kinship group. They are afraid of the man or woman whose quick temper or sharp tongue makes them liable to take offence or give it. I have heard several men seeking wives in a strange village ask anxiously of their acquaintances there, 'Does she come of a quarrelsome family? Do they make offensive remarks?' (*Ikusose fibi.*) Neighbours with good reputations are those whose 'hearts do not get hot quick', and who tend to ignore insults—*ukusula*—a traditional cultural attitude by which a man can acquire kudos by voluntarily giving up his rights so as to avoid friction. This pattern of toleration is impressed on the Bemba from their earliest years. Parents who rebuke their children for little else are yet quite firm on this one point: no quarrels must be allowed. A sobbing child of six, about to punch a smaller boy who had knocked over his mud-pudding, was picked up sharply and told to repeat, 'The chief of another tribe may stay where he pleases' (*Mfumu shya bene baikalapo*), i.e. every one has a right to do as he pleases. Such incidents are quite common, and similar behaviour is noticeable as between children and adults. An elderly relative often shrugs his shoulders at a child's decision to do or not do something it is asked, and says (*Ni mwine*) 'He is the owner of the affair', i.e. the child must decide. The legal relations between one man and another are discussed with the same conscious effort at toleration. Certain obligations are fixed and definite, and acknowledged by the whole community, but there are a number of issues in which the rights of two individuals are not so clear, and a clash of personal interests seems to be threatened. In such cases the man of sense and good breeding does not try to define his claim. He avoids putting the matter to the test in the interests of peace.[1]

It is this anxiety to avoid friction which influences the people in their choice of land for cultivation. A chief may not care whether the villagers of one community cut gardens in the land bordering the huts of another, but the villagers themselves will be afraid to do so. They do not want to risk the anger of the neigh-

[1] There is also a supernatural sanction behind this pattern of human behaviour. The man who dies feeling injured, or with a sense that he has been denied his rightful dues, becomes a *iciwa*, or haunting spirit, avenging the wrongs he has suffered on the living. Hence the uneasy feeling of the Bemba when any one publically announces a grievance, or is known to have been wronged. Thus religious belief, norms of conduct, and the type of agricultural system practised, all combine to determine the legal rules for the use of land.

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bouring headman, and they will be afraid that their gardens will not prosper if he withholds his blessing from their enterprise. In the case brought before the Paramount Chief (p. 266) the inhabitants of village B had not wantonly cut gardens in the ground of A, but the son of headman B had married the daughter of headman A, had gone to live at A according to the rule of matrilocal marriage, and had then deserted his wife and returned to B to marry another woman there. Instead of relinquishing his garden near A he continued to clear new bush there. Under ordinary circumstances it is extremely rare for a case of this kind to be brought before the court. If there had been no contributory cause of dispute, it would have been much more usual for the villagers of B to stay on the poorer soil their own side of the river, rather than risk a quarrel with the inhabitants of A.

Again, as between the members of one village, though natives tend to inform the European that they may cut trees wherever they like, and that they need not ask the permission of the headman before choosing a site, yet in fact they are not so free as their statements indicate.[1] Young people are afraid to take ground they believe to have been chosen by elder members of the community. If two interests clash a man would rather abandon a site on which a week's work has been done than risk a dispute. At the beginning of the tree-cutting season it is usual for the men of a village to gather together in the *nsaka* of an evening and to make informal announcements as to the ground they mean to clear. The elders take the lead in such discussions. Next morning each individual starts out for the bush, probably with two or three friends, and each blazes trees (*ukukome nkwa*) to mark the strip he intends to use. It is rare for a man to mark out the limits of the area he means to cultivate, nor in fact does he usually decide there and then how far his garden will reach (*icikongwana*, plur. *ifikongwana*). It is only occasionally that one tree is cut at each corner to mark the boundaries, and there seems to be a feeling that it is presumptuous to do so. It is considered as an almost arrogant statement of claim.[2]

[1] Cullen Gouldsbury states that formerly the headmen allotted ground for millet gardens, but I heard this denied. 'Notes on the Customary Law of the Awemba', *Journ. of the African Society*, vol. xiv, no. lvi, 1915, p. 377.

[2] It was interesting to see that in the villages where natives had begun to employ paid labour they were obliged to mark out the limits to be cut by the labourers in self-defence. It seemed to be an imitation of the European method of giving piece-work.

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●423 Once a tree in the bush has been blazed, a man has absolutely secure possession over the strip of ground marked. He will arrange the branches he cuts on the ground with their stems all pointing in one direction. The owner of the next *icitemene* will lay his branches in the opposite direction, so that there can be no chance of dispute as to the ownership of the wood cut. Even if he has to leave the territory before completing his *icitemène*, the half-cleared site remains his property to leave or dispose of to his relatives as he pleases. When he has reaped the first year's millet and the garden becomes a *icifwani* ('old garden') the same rights hold good. A man may leave his *icifwani* fallow for two or three years without any one disputing his claim to its use, and even if he is absent some years in the mines, there is no question of any outsider trying to dig up the garden and sow it as long as any of his relatives remain in the district and show any inclination to use it. I think land would have to be exceedingly short before a Bemba would risk a quarrel on this account, so deep is this belief in the rights of occupation conferred by clearing the bush.

The rules governing the ownership of the village gardens are more precise, and it is interesting to find that the Bemba conceptions of land tenure are sufficiently elastic to allow the development of a perfectly definite system of undivided rights of use when there is any shortage of ground.[1] Every one wants some *mputa* near the village so that he can grow beans and maize near to his hut,

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[1] Mrs. Gore-Browne collected material in 1933 to show that the Bisa inhabiting Cilubi Island in L. Bangweolu have adapted their system of tenure to conditions of land shortage. At Matipa, the village of the Paramount Chief, the most fertile ground for cultivation was that of deserted village sites, the huts of the new village being built 500 yards or so from the old. The chief had full rights over these old sites (*ifibolya*) and could cultivate them or allocate them to his followers, but once allotted he could never take a garden back while living relatives of the owner wished to use it. Thus the cultivated ground round Matipa's village contained (*a*) gardens of the present chief made on his own *icibolya* and to be left to his heirs, (*b*) gardens allotted by him to his councillors, (*c*) gardens allotted by the previous *Matipa* and inherited by their heirs.

At Nsamba's village, a neighbouring Unga chief, the *mfumu* also allocated village land and similarly at the capital of Kasomo, an Ushi chief. Forest gardens were inherited in the matrilineal line (i.e. by a man's maternal nephew) and have been in use for some twenty or thirty years in this way. They only revert to the chief when no member of the original family claims them. This is an interesting example of a combination of individual, inherited rights over land with a recognition of the chief's powers to allocate. It is not, I think, a system specially characteristic of the Bisa, as distinct from the Bemba, but an adaptation to unusual environmental conditions.

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and in the case of a big village the circular strip of land surrounding the houses is only barely adequate to give each his due. The same desire to avoid quarrelling over land is still apparent, but fixed rules govern its selection. The site of a man's *mputa* is determined by the position of his hut. When a village is being built the old men have the first right to choose where they will build their huts. After that the young men group themselves—usually together at one end of the village. The strip of ground behind each hut on the outside ring is the property of the owner of the house. Those who have built in the centre of the village must cultivate beyond. The owners of the outside houses are allowed to cultivate as far as the nearest natural boundary, such as a river or path, if they desire to do so, otherwise they must announce where they intend to stop so that others can cultivate beyond them.

The village plan on p. 177 shows how owners A, A5, B, B4, B9, C, C7, D, D3, D6, F, F2 cultivate ground immediately behind their huts while the others have strips farther out into the bush.

At first sight it is difficult to understand how the conflicting aims and ambitions of each individual can be satisfied in practice. But it must be remembered that a Bemba, cultivating alone, cannot hope to dig up more than a certain amount of land, and he estimates his capabilities in the coming year with fair precision, as do also his neighbours. But his own conception of good form seems to weigh with him more than such purely economic considerations. He does not want to appear presumptuous, or to make claims beyond his status. It is bad for a young man to demand as much ground as an old, even if he occupies an outside hut, or for a single woman to fix wide boundaries to her patch. Fear of the accusation of pride (*icilumba*) or that reputation for personal ambition, which is so often associated with charges of witchcraft in this society, are important factors in fixing the limits of village beds, and the whole division seems to be arranged without much formal allocation. A man estimates his neighbour's intentions and gauges public opinion as to his own status, and acts accordingly. He does not even put boundaries (*mpaka*) between his beds and those of another for fear of accusations of sorcery, and if there is a doubtful issue it can be taken for granted that personal relations and questions of relative status are always put before agricultural considerations. I have seen at least two cases where a man considered that his privilege had been infringed upon, but decided

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to ignore the injury rather than to risk disturbing the personal relations in the village.[1] In the case of new-comers arriving at a village and wanting ground for *mputa*, they may either cultivate beyond the gardens of the older inhabitants, or in some cases a man may subdivide his own beds among his younger relatives. At Kasakatula three heads of families had divided up ground in this way to their sons-in-law.

The following text written for me by an educated native clearly describes the attitude to land appropriation, whether for millet gardens or village mounds.

'In the month of April, and also the month of May, that is when people mark the trees to cut their *icitemene*. It goes on through the cold weather, and one or two here and there go on until September. Now it doesn't do to cut trees unless everyone agrees to cut. And to mark the trees, the people in the village one by one, they choose sites and arrange their boundaries where each is to reach to. When one man has built himself a grass hut on the spot, another must not come and cut near it or it will be a serious cause of grievance. People who quarrel about trees, their fellows call them fools, people of no sense. They say, "You are not the child of an animal (i.e. human being). No! You are the child of a sorcerer. You cut trees like a sorcerer does" (*Tauli mwana ua nama. Yo! Uli mwana wa muloshi. Uletema buloshibuloshi*). Because they say, "The trees are the plumes on the head of God. They are not to be fought over" (*Imiti ingala shya kwa Lesa. Tashikomenwa*). It is the right thing to arrange boundaries in a peaceful way. No one fights about trees unless it is an unnatural child, a sorcerer! Any person of good repute when he sees one of his friends has marked a site for cutting, clears out, and if he has sense goes and discusses the matter with him. One man, if he has begun to cut trees where another has marked the site, let him clear out of it and leave the branches he has cut and go and cut trees somewhere else, and don't let him start right near the boundary either. And when people go to dig up village beds, no one else can take the ground where they have begun. When people quarrel with each other about hoeing, or fight with each other, their friends will say, "They have no sense", or else, "Those are people with a bad name". Because people ought not to fight with each other over land. And more than this, people who pick quarrels over a matter of land, they are likely to be sorcerers. There aren't many ordinary people

[1] e.g. in Sept. 1933 the headman of Kasaka village (cf. Chap. X) made a dry weather garden in ground which his son-in-law, Pensulo, had decided to cultivate. For several days the friends of Pensulo knew that he was angry, but after an interval word was passed round the village that he had decided to ignore the whole affair—i.e. *ukusula*. He had a smaller garden, but acquired personal prestige.

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who would do a thing like that. No! People who quarrel over land or fight over it, they will find themselves unlucky, even nowadays. A decent man, if one of his neighbours starts to abuse him or to accuse him falsely over land, he will just clear out and go and hoe somewhere else, or else they take the matter to someone else to decide. And another thing, nobody ought to make a boundary to show where his ground ends and another begins. If he did a thing like that his neighbours would say he was a sorcerer because he had set up a boundary. His neighbours would not hoe right up to his boundary. When a person has done an unlucky thing like that his people begin to count who quarrelled with him, and who called him a sorcerer, and that is why people of good reputation do not like to set up boundaries to divide off their ground from that of their neighbours, but just to divide up the land amicably.'[1]

Another type of cultivateable soil over which there are well-defined rights are the house-sites (*ifitantala*, sing. *icitantala*) of a deserted village recently abandoned by its inhabitants. These sites are considered very desirable ground, as will be seen, and it is interesting to find that where land acquires value in this area, the tribal conceptions of land tenure are easily adapted to regulate its use. According to two or three statements made to me, a chief could take the whole of an *icibolya* and cultivate on this rich soil for one year before passing it on to the commoners. But I never saw this done myself. The usual practice is for each owner to claim absolute rights to cultivate on the site of his old hut and its immediate environs, or to allot it to one of his own relatives if he is away. Individual ownership is strictly respected in this case, and these rights of cultivation become important when villages begin to move round a very small area as they do near Kasama.

As in the case of millet gardens, the occupier of village beds has absolute rights over his *mputa* while they are in use, and for so many years afterwards that it is clear that he never intends to return. Even where the soil of the village beds was valuable, as at Kacienja, I saw a strip of ground left fallow for four years because the owner was away. Near Kasama also, where good garden ground is extremely scarce, I saw at Mubanga village a large piece of ground left deserted near a densely populated village. People wanted the land but were afraid the absentee owner would be angry if he heard it had been taken. At Kasama village itself there were further examples of the same type.

[1] Statement made by Paul Mushindo.

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●423 In the land-tenure map in the Appendix it will be seen that 32 owners continue to cultivate their old *ifitantala* or house-sites after moving to a new site adjoining the abandoned one.

As land can never be permanently owned by one individual the laws of inheritance only apply in a restricted sense. If a man dies his near relatives can reap his crop and continue to use the garden [425] site as long as they please. After that it reverts to bush. I know no case of land having been sold even in the areas near white settlement. A man can sell the whole of the crops of his garden, and even the branches piled before burning, but never the ground. The sale of crops is becoming fairly common near Kasama where there is a good deal of movement from one village to another. [436] A garden of cut trees might fetch £1 to £2 and the beans off a big patch about 10s.

Conclusion.

In conclusion it can be said that each individual Bemba has freedom to select ground for cultivation as against the rights of his chief and his fellow commoners. While no individual ownership of land is recognized in our sense of the word, yet each individual has security of tenure in so far as he requires it in regard to a kinship system which permits of frequent moving from village to village, and methods of agriculture which only allow him to cultivate a garden for four or five years.

The question of the future of the traditional system of land tenure raises a number of practical points. It is possible that fixed methods of cultivation will be adopted before long by the Bemba, and it is often argued that the native will not improve his cultivation while he has no fixed rights of ownership over his land. But the foregoing pages should show that it is not insecurity of tenure which is keeping the Bemba from further agricultural development. In fact the introduction of individual tenure and the sale or lease of land would only be of value to the Bemba, as to other Bantu peoples, as a measure of protection against land-hungry Europeans should these become a danger. As elsewhere, the concept of land as a saleable commodity will revolutionize native society. In the case of the chief, land ownership will be severed from political responsibility,[1] and the commoner will acquire the right to exploit

[1] Cf. L. P. Mair's account of the state of affairs among the Ganda where the Uganda agreement of 1900 resulted in 'the almost complete dissociation of

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land to his individual advantage, and such phenomena as absentee landlordism, mortgaging, and excessive fractionation, that have been so pronounced among the Indian peasantry, may appear. At the present, rent-paying only exists in a few areas, particularly on the copper-belt, where the Government allocated a number of eight-acre plots to be let to natives living round Ndola, Luanshya, and Nkana at rentals of about £2. 10*s.* a year. This step, taken in order to give the urban native a feeling of security and individual possession, was eagerly welcomed by men of initiative as a means by which they could build their own houses and provide accommodation for their dependent relatives, whom it was then practically impossible to house in the Government locations or mine compounds. But, paradoxically enough, the introduction of rent seemed to me to have produced the feeling of uncertainty as to the use of land for the first time. This was partly because the rent was a new imposition in native eyes,[1] and partly because the dues of the chief were and are enacted in commodities the people possess —labour and food—instead of money, which they sometimes cannot obtain. Also the produce taken to a chief varies according to the state of the harvest, and only sufficient for the ruler's own needs is demanded when times are hard. But rent is a fixed sum whether the money is available or not. The only natives I ever met who were definitely anxious about their possession of land were those on the three-acre Government plots outside Luanshya, who were caught by the slump in 1933 and were threatened with eviction if they did not find rent. They seemed quite content that the Government, like the chief, should levy toll on their earnings when they had any, but thought it unjust that they should be asked to pay money if they had no means of getting any paid work. I heard for the first time the statement that it was no use developing the ground, since one might not have the money to pay the rent next year.

As a matter of fact, there does not seem any reason why the Bemba should not adopt a fixed method of cultivation in the rural districts and adapt their traditional form of occupier tenancy to

rights over land from governmental functions'. *An African People in the Twentieth Century*, 1934, p. 166.

[1] Near Kasama I was visited by four men returned from the mines who asked indignantly why the missionaries taught that the land belonged to the High God (*Lesa*) if the people had to pay rent to the Government for it?

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this end. It has been shown in many parts of Africa that the Bantu system based on the practice of shifting cultivation is quite easily adapted, without any need of Government interference, to situations in which bush land becomes limited or acquires additional value for any other reason. The Bemba rules of ownership of village gardens or deserted house sites, or the more complex regulations of land tenure found among the Bisa on the Bangweolu islands, show that even in this area individual rights over land can become very clearly defined when ground for cultivation is scarce, but that the introduction of a rent-paying system and the right to sell or lease land is quite unnecessary to secure this end.

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backwaters nets can be set by one method or another practically throughout the year.

Other methods. The Bemba also fish with hooks (*amaloba*) baited with fish and slung on a rope across a big stream, when the waters are low in August, but I never saw this done. Younger men say this method was introduced by the white people since they know that fish hooks are now only to be obtained at European stores. Older fishermen told me that, on the contrary, this type of fishing was practised from the earliest times, and that the Bemba 'always' knew how to make rough iron hooks for the purpose.

A few fish are said to be caught on the Chambesi flats when the floods are falling by means of plaited screens of grass (*uluangwa*) by which the women cut off small fish from the stream, but, indeed, when the waters are drying up at this season odd fish are caught here and there in all sorts of ways. I have often seen casual passers-by step off a raised pathway through fields flooded to a depth of six inches and catch fish of about ½ lb. to 1 lb. in their hands in the grasses, or else spear them (*ukumela*).

To summarize, it can be said that the Bemba who live near the smaller streams of the district are for the most part unskilled fishermen, and rely on the low waters of dried up rivers, and flooded banks to catch a few fish at certain months of the year, but never get sufficient to dry or trade. They have no organized system of exploiting the resources of the rivers or definite leadership in this activity, but catch whatever they can during the breeding season, or before the fish are full grown.[1] In the regular fishing villages, on the other hand, the activity is almost continuous throughout the year. There are four or five different methods of fishing practised, and the men are universally employed in this pursuit. They value their reputation as skilled fishermen and know a considerable amount about the different types of fish caught. Though there is not sufficient fish caught to permit of regular trading, yet it is quite common for a man to be able to pay his 10*s.* tax by sporadic sales of dried fish.

6. *Fishing rights and ceremonies.* Fishing rights, like the rules of use of land, cannot be considered apart from the peoples' beliefs as to the spiritual ownership of food resources. The produce of

[1] How far the people are destroying their supplies of fish by this means does not yet seem clear. Cf. Report on the fish of Lake Bangweolu by C. K. Ricardo and R. J. Jones, December 1936.

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 [774] 226 423

rivers, like that of the bush, is thought to be under the control of the spirits of the land. To secure their blessing the people depend ultimately on their territorial chief, but actually, in the case of any particular expedition, on the headmen of the villages near the streams, whether these latter have succeeded to their title or have been directly appointed by the chief. Fishing ceremonies vary between village and village. The complexity of the magico-religious rites, the position of leadership secured by their performance, and the degree of definition of fishing rights depend directly on the economic value of the supplies.

Thus the headman of a village near a small stream offers prayers to the Land Spirits before an *ububa* expedition, as we have seen. [622] But he is in no sense a leader in the enterprise, nor does his performance at the ceremony entitle him to special economic privileges.[1] Any stranger may join in a fishing party if he asks permission of the headman and gives him a fish or two from his catch. Each fish caught on such an expedition is the property of the man or woman who spears it, and, technically speaking, the headman or the owner of the *ububa* should get tribute from them. In the smaller rivers the supply of fish is so uncertain that most of these dues are not paid. *Mono* traps are set individually in the swamps without the accompaniment of any religious rite, apparently, and the setter of the trap may keep what he catches and put a conditional curse on the *mono*, if he knows one, to prevent fish being stolen. With net

[1] The rites performed at an *ububa* expedition vary in different villages. Molema, headman of one of the specialist fishing villages on the Chambesi, told me that in the old days spirit huts (*nfuba*, sing. *ulufuba*) to the *imipashi* in charge of the waters were built by the river and that the headman opened the season by throwing *ububa* into the stream, calling, 'Let them die! Let the fish that have rotted be white on top of the water' (*Fyafwa! Fyabola fyabute pa menshi tutu!*). This, he said, was to please the *imipashi* (*ukusekeshye mipashi*). When the first fish were caught three were put in the *ulufuba* for the *imipashi*. 'Nowadays,' he added, 'we are Christians. We do not build *nfuba*. We tie knots in the grass instead to imitate (*kupashyana*) an *ulufuba*. That is our sacred place (*E pa musumba!*) where we put the fish. [522] A native of Shiwa Dandu confirmed this form of the rite. He said it was good to joke with the *imipashi* as men do with members of the opposite clan (*Banungwe*) and say to them after calling on them, 'You are the Mpende clan (*mpende* is a big fish that eats little ones, *mpepe*). You eat *mpepe! Muli bene mpende!*) *Mulya ne mpepe!* This is the way men of the Crocodile rag with the fish clan, pretending they are going to eat them, and it is good to joke (*ukucena*) with the *imipashi* in this way. Also it is lucky to get a man who is a notorious drinker to throw in some *ububa* to open the season. Then the fish get drunk as he does. The man shouts, '*Uleke ikolwe bwangu bwangu!*' (May they get drunk quickly, quickly!)

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226 423 [501] fishing also, technically speaking, any man can set a net in the smaller rivers, but *de facto* few except the residents are able to do so for want of nets and canoes. Boats are individually owned, and though they may be borrowed, a man who takes a boat and catches fish in it or even kills meat on the opposite side of the river must share his luck with the owner.[1] It is rare to find more than one canoe in a village on a small stream. At the village of the Paramount, where there is much traffic over the Kalungu river, there are only two boats available for crossing and fishing. For this reason the inhabitants of fishing villages in practice have the monopoly of net setting.

226 463 [777] In the specialized fishing villages the situation is changed. Magico-religious ritual becomes more complex and is closely associated with rights of use of the river.[2] When I spent some time on the banks of the Chambesi in the territory of Mwaba and Nkula, and even on the Kalungu near the Paramount's village, I constantly heard men being picked out as being lucky fishers, and the phrase 'an expert on boats' (*aleshibishyo bwato*) means not only a man who knows how to handle canoes, but who is reputed to have powerful fishing magic. Here also definite rites of prayer [791] to the Land Spirits must be performed at the opening of the trapping and the netting seasons, and these are in the hands of economic specialists with magic powers (*icibinda*, plur. *ifibinda*) who are at one and the same time the most knowledgeable fishers, the leaders in co-operative enterprise, and the priests of the local [793] deities.[3] This office is strictly hereditary in the line of the man first given the title by the original chief. I never saw any of the fishing rites of the Chambesi, but often heard them described as big gatherings of all the neighbouring villagers who assembled

[1] Large trees fit for boat-making are rare and must sometimes be fetched from a distance, usually after paying tribute to the chief of the district, nowadays 5*s*. per tree. To hollow out a canoe with an axe-head takes a man about two months, or a team of seven or eight men three weeks. The shaping of the prow head, which is merely pointed and not carved or ornamented in any way is the task of specialists who are paid about 3*s*., so that the whole process is an expensive one. It is characteristic of the present Bemba economic system that such boats have to be sold for about £1. 10*s*. in spite of the labour taken to make them. Why? 'Because a man in this country would not find more than £1. 10*s*.'

[2] Even the launching of canoes which is done in the smaller rivers without ceremony has its own special ritual on the Chambesi River (*ukusapiko bwato*).

[3] Specialist elephant hunters with magic powers are also known as *ifibinda*. The priests of local land deities are known as *shimiapepo*. The headmen of the fishing villages combine both functions.

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first to watch the blessing of the traps and the weirs and later to invoke the help of the spirits at the setting of the nets on the big fishing pools (*ifishiba*). On both occasions the priest in charge asks those present if they have any grievance one against the other (*akantu pa mutima*), for the *umupashi* of an injured person might prevent the catching of fish by the rest. He then calls on the name of each of the Land Spirits, strikes the nets to bless them, and says, 'You, our spirits, now we are beginning to work, we people. Give us relish this year that we may eat and be satisfied.' It is important to notice that by the performance of such rites the *icibinda* definitely initiates the fishing season and synchronizes the activities of all the fishermen, and that these ceremonial duties are the basis of important economic privileges, which he maintains in spite of the overlordship of the territorial chief. This balance of interests between the local priest-headman and the chief produces a complicated system of fishing rights.

Permanent weirs are inherited in the matrilineal line and their ownership is often associated with the headmanship of fixed villages. The owner, besides his religious duties, allots trap holes in the weirs to different individuals who set their *miono* there. For instance, in one village the headman had divided the trap holes of a big weir between his sons and brothers, allotting two or three to each. Trap holes may be lent in return for a proportion of the catch, and in some cases a new-comer may obtain the right to build a small mud dike behind the main one giving tribute in return. Setting of nets arranged by casual agreement on the small rivers is strictly prohibited where fishing is valuable, unless the permission of the headman is obtained.

The *icibinda*, besides his right of allotting trap holes and giving permission to set nets, gets a proportion of the catch and also collects tribute for the chief. At one Chambesi village the headman (Molema) got one basket out of every three caught by each individual by the trapping method and two out of every three caught with nets. He sent to the territorial chief (Citimukulu) three baskets a year, two of these on the latter's special demand. In the case of some valuable fishing pools the territorial chiefs have secured special rights and can organize their own fishing expeditions (e.g. at Ca Kandwe, in Nkula's territory).

The sociology of fishing villages. Besides regulating the use of fishing resources this system of rights and ceremonies leaves its

The former make millet gardens on such land as is clear of water and subsequently plant mounded cassava. Such a two-year sequence may be continued for several years, but many groups abandon cultivation after the first two years. Village gardens are also planted with cassava, and bananas and pineapples are grown. In such gardens, made on low sandbanks denuded of soil by years of cultivation, cassava seldom grows to full maturity owing to the hunger of the cultivators. Some people make an annual migration to the Lunga plain to plant millet, others barter fish for meal. Very little in the way of subsidiary crops is found beyond a little kaffir corn, some beans and sweet potatoes. In the territory of Chief Kasoma(1) the people make a mass migration to cultivable areas in the dry season, June to November.

The *Twa* cultivate little, relying mainly on their fishing with which they get meal by trading. A certain amount of cassava cultivation is found here and there.

HUNTING AND FISHING

While every Bemba is a hunter by inclination, present shortage of game prevents this desire from being fully gratified. While Melland(2) records the existence of organized hunters' guilds and specialized hunters among the Kaonde these do not at present exist among the Bemba, although elephant hunters formerly were specialists. Hunting by traps and pits is neither an organized nor a specialized activity. Net hunting demands communal effort and is often carried out as a form of divination. There is little information on the hunting activities of the other groups; among the swamp peoples (Unga, Twa, Bisa) hunting is subordinated to fishing but the meat of a certain antelope (*lechwe*) was greatly in demand and these animals were hunted so persistently that a protection law has only prevented, recently, their extinction. There was a certain amount of trade in *lechwe* skins worked in designs.

Fishing is not a major activity, though fish is greatly appreciated as a relish and caught whenever possible. There is no regular trade in fish, nor is fishing a whole-time occupation except for certain groups living on the banks of the larger rivers, where there are definite fishing villages with permanent sites where fishing is carried on all the year round, and there is quite a complex system of pond and weir ownership.

Fish are caught by three chief methods: by poisoning, by weirs and by nets. Poisoning is a communal and unskilled activity carried out at the end of the dry season (August-November). Weirs are only in use in November and December before the crocodiles become a menace. Only one type of net is used, a rectangular variety, stretched across the river, at the beginning and end of the dry season.

It is among the swamp peoples, however - the Unga, Twa and, to a lesser extent, the Bisa - that fishing attains greatest importance. Here the land resources are so depleted, by the over-cultivation of areas which are diminishing in size through increasing inundation, that the growing population

(1) Brelsford, 5, 1946. (2) Melland, 1923.

226 must fish or starve. Fish, however, is not only regarded as food, but is also used as an article of trade. The supply in Lake Bangweulu seems to
439 be virtually inexhaustible. The Unga can sell their fish for meal at a good price on the Copperbelt and elsewhere and are therefore unwilling to leave this otherwise undesirable habitat.

226 A number of methods of fishing are employed, such as netting, the setting of lines, trapping fish in baskets set in weirs, catching fish in baskets at low water, and poisoning. The diversity of fishing methods is not as great as it is for instance among the Lozi further south,(1) but since the Unga are able to catch plenty of fish with their traditional technique, improvements of method seem unlikely.

226 Netting grounds are available to all, but weirs have a fixed ownership. In certain circumstances a chief may reallocate a weir, but gener-
423 ally the owner has the absolute right of use. He calls in friends and relatives to fish and to repair the weir and each keeps the fish caught in his own basket.

439 Fish may either be sold at the waterside or taken to Kapalala - the ferry over the Luapula at the Congo border - or to the markets on the Copperbelt. A better price is obtainable at the latter but against that has to be set the time involved and expense incurred (such as the purchase of a bicycle or the canoe to Kapalala, and thence by lorry to Ndola). Of those selling at the waterside, some sell to African consumers, some to middlemen, some to Missions and some to representatives of European firms. Many fishermen, however, find their way to Mufulira market on the Copperbelt to market their own fish.(2)

The following figures taken by Brelsford in 1943 from some 250 Unga fishermen show the distribution of their choice:-(3)

64% sold their fish either in Kapalala or Ndola.
12% sold on the mainland at places like Fort Rosebery.
24% sold at the waterside.

CRAFTS

412 Bemba equipment is of the simplest kind. There are only four main implements: an axe-blade, locally forged and fixed into a wooden haft,(4) used for clearing the bush and most other wood-cutting jobs; iron hoe
[411] blades, also fixed into wooden hafts, were formerly traded from the Lungu; a spear, locally forged, used in war, hunting and fishing; and, finally the bow, now rarely made. These tools are of the simplest kind, neither carved nor decorated and, generally speaking, crafts are poorly developed. Decorative iron-work, which reached a high level of development among the
325 Luba peoples, hardly exists. Iron-smelting is still practised among the Aushi(5) and was recently revived among the Chishinga(6) group, formerly

(1) Gluckman, 1941. (2) Brelsford, 1947.
(3) Brelsford, 5, 1946, gives a more detailed treatment on the subject.
(4) Mass produced European tools are now superseding the others.
(5) Barnes, 1926.
(6) Brelsford, 7, 1949.

South Africa Company and were given courts in 1924. 622

LEGAL SYSTEM

In the past the judicial officer at the capital was the Muaniancita.(1) An appeal from his decisions could be made to the Kazembe.(2) The *mwafi* (poison-cup ordeal) was administered to the accused man by his nearest relative.(3) The penalty for witchcraft was always death.(4) Adultery, homicide and theft were punished by death, amputation of limbs or genitals, or sale into slavery.(5) Travellers commented on the number of natives, even among the court officials, with mutilated hands and cropped ears.(6) Within the *cikota* homicide seems to have been compoundable. 681 [732]

LAND

The conquered Shila continued to be recognised by the Lunda as the owners of the land, and were consulted when fresh land was wanted for settlement. At present all suitable land in the immediate vicinity of villages is under cultivation but there remains a sufficiency of uncultivated land farther away. 311 423

SLAVERY

Slaves, sold to Arab and Swahili traders, were mostly recruited from among convicted criminals.(7) Livingstone gives this as the reason for Manyuema's reluctance to purchase Kazembe slaves.(8) 567

OTHER CULTURAL FEATURES

PHYSICAL CHARACTERISTICS, DRESS etc.

"The people are black, dolichocephalic, woolly-headed, thin-lipped, of medium stature."(9) The intermingling of tribes has tended to eliminate differences of physical type. Facial scarification and tattooings, once distinctive tribal marks, have become mere fanciful embellishments. Chipping of the upper front teeth is now rare. 141 142 304

On ceremonial and ritual occasions in the past the body was smeared with *mpemba*(10) (a white chalky substance extracted from the river bed) and the hair, worn long and plaited or made into a knob,(11) was powdered with *nkula* (reddish wood-dust).(12) Rubbing earth on arms and breast was a token of the respect due to chiefs.(13) The dress consisted of a bark-cloth skirt, *nyanda*,(14) or a cotton loin-cloth.(15) 302 291

(1) Gamitto, II, p.18.
(2) ibid.
(3) Holmes, p.55.
(4) Burton, p.129.
(5) ibid, p.40.
(6) Livingstone, I, p.248.
(7) Livingstone, I, pp.302-3; II, p.62.
(8) ibid., II, pp.28, 35.
(9) Valdez II, p.241.
(10) Burton, p.103; Gamitto, I, p.307.
(11) Livingstone, I, p.263.
(12) Burton, p.82.
(13) ibid., pp.45, 112; Valdez, II, p.227.
(14) Valdez, op.cit., p.219.
(15) Burton, p.127.